

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-160546
	:	TRIAL NO. C-16CRB-11952
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
ORONDE PEAKE,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

After a bench trial in the Hamilton County Municipal Court, defendant-appellant Oronde Peake was convicted of domestic violence, in violation of R.C. 2919.25(A).

In his sole assignment of error, Peake argues that his conviction was against the manifest weight of the evidence. We disagree.

The victim in this case, Lisa Sims, testified that her husband, Peake, had chased her around their home on May 7, 2016, while trying to obtain her cellular phone. At one point Sims, who was 25 weeks pregnant at the time, landed on the couch and flipped off the couch trying to prevent Peake from taking the phone. Sims stood up, but as a result of Peake’s continued struggle with her over her phone, she spun and hit a door, causing pain in her abdomen.

One of the investigating officers testified that when questioned on the scene, Peake had admitted that he had been “aggressive” towards Sims and that his wrestling over the

phone had caused her to fall. Another investigating officer testified to observing pressure marks on Sims' arm and confirmed that Sims was in obvious pain when the police arrived on the scene.

After reviewing the record, we cannot say that the trier of fact lost its way and created such a manifest miscarriage of justice that we must reverse Peake's conviction and order a new trial. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). Peake primarily argues that the victim's testimony was not credible. But we note that the weight to be given the evidence and the credibility of the witnesses are primarily for the trier of fact. *State v. DeHass*, 10 Ohio St.2d 230, 227 N.E.2d 212 (1967), paragraph one of the syllabus.

Accordingly, we overrule the assignment of error and affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., CUNNINGHAM and MILLER, JJ.

To the clerk:

Enter upon the journal of the court on March 17, 2017
per order of the court _____.
Presiding Judge